

| Agape Church Inc. dba The Victory Television Network would like to submit the following comments in the matter of CS Docket No. 98-120 (FCC 07-71, Second Further Notice of Proposed Rulemaking).

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Firstly, we would like to comment on the option that was set forth in paragraph 12, namely, that avoiding material degradation would require that all primary video and program-related content bits that are broadcast from the broadcaster would be carried.

We do believe that an objective standard should be applied, i.e., that all program-related bits should be required to be sent to cable subscribers. However, we also believe that all secondary channels that are "multi-cast" by the broadcaster that are free to the public should be passed as well. If the broadcaster has invested the revenue and effort to begin multi-casting content streams that are free to the public, a cable operator that blocks this content would be materially degrading the signal.

Additionally, we would like to comment on the question raised in paragraph 19, viz., "Given the circumstances, should cable operators be responsible for any expense associated with down-conversion?"

47CFR 76.55(c) defines Local Commercial Television Station in the must-carry context. The definition excludes stations that do not supply a good-quality signal to the cable operator's principal headend.

Historically, the responsibilities in regards to must-carry signals have been clearly divided between the station and the cable operator. The station is required to provide a good-quality RF signal to the principal headend of the cable provider. If the station can not provide a good-quality RF signal to the headend, the station has the option of improving the RF signal by using certain other means, such as improved antennas, increased tower height, or microwave relay equipment (see FCC 93-144 and FCC 93-284).

The cable operator's responsibility is stated by the Commission in paragraph 16 of the instant Second Notice. That is, signals that are carried pursuant to mandatory carriage rights must be "viewable via cable on all television receivers of a subscriber which are connected to a cable system by a cable operator or for which a cable operator provides a connection." Therefore, provided that the station delivers a good-quality RF signal to the cable headend, the cable operator is responsible for delivering a "viewable" signal to its subscribers.

It is our contention that this division of responsibility should be maintained after the sunset of analog television. The station should remain responsible for providing a good-quality RF signal to the principal headend of the cable operator, using whatever means necessary (including improved antennas, etc.). The cable operator should remain responsible for providing a viewable signal to its subscribers. That is, if the cable operator chooses to keep its system on an analog platform, the operator, and not the station, should bear all costs associated with down-converting must-carry signals to an analog format to fulfill the statutory viewability requirement.

We also suggest that it may be possible for sufficient cost-savings and revenue-production to be realized by a cable system converting to an

all-digital platform (due to bandwidth conservation) for the funding of such down-conversion equipment. Such cost-savings could be from bandwidth conservation; such revenue-production could be from increased program offerings (made available by bandwidth conservation) and "a la carte" package sales.